

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/982,530	SMITH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DAVID E. ENGLAND	2443	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/30/2008.
2. ☒ The allowed claim(s) is/are 1 – 8, 10, 11, 20 and 21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date <u>03/25/2009</u> .</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
|---|--|

/David E. England/  
Examiner, Art Unit 2443

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alton Hornsby III Reg. No. 47299 on 03/25/2009.

The application has been amended as follows:

2. Claim 11. (Currently Amended) A computer-readable hardware storage ~~medium~~ media comprising computer-executable instructions, which when executed, ~~are operable to perform the~~ steps of claim 10.

### **REASONS FOR ALLOWANCE**

3. The following is an examiner's statement of reasons for allowance: (Terry 6961765, Gruyer et al. 2002/0112048, Raveis, JR. 2001/0047282 and Achiwa et al. 2003/0009438), does not teach nor suggest in detail, "a client-side system stored on a computer or computer-implemented method wherein the client-side system logs, in a logging file, a plurality of user interactions performed in an application program module and periodically uploads the logging files to a remote server system for analysis of the logging file, wherein the client-side system comprises:
  4. a logging code in communication with the application program module, wherein the logging code comprises a plurality of hooks into the application program module and an

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operating system of the computer, wherein when a user performs any recordable action within an application program, one of the plurality of hooks is triggered and a data record is generated;

5. a logging file in communication with the logging code, wherein the logging code stores the data record in the logging file;

6. a script file in communication with the logging file, wherein the script file is operative to upload the logging file to the remote server system, wherein uploading the logging file to the remote server system comprises opening an Active Data Object (ADO) session with the remote server system, renaming the logging file with a random number therein preventing duplication of a logging file name at the remote server system and placing the logging file into an ADO database record set; and

7. a set-up program module, wherein launching the set-up program module comprises installing the logging code in a memory of the computer and setting a registry key in a registry of the operating system as an indicator to the application program to load the logging code when monitoring of the plurality of user interactions has been indicated, and wherein launching the set-up program module signifies user consent to have application program actions logged in exchange for an incentive, the incentive comprising free software in exchange for participation in a survey to collect user demographic information;

8. wherein the registry is checked by the application program to determine if the monitoring of the plurality of user interactions has been indicated and, if so, then the monitoring of the plurality of user interactions is started in response to calling an initialization function, or

9. utilizing a best fit algorithm to determine an object and an element that the window handle is associated with, wherein the object comprises a window and the element comprises at

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least one of command bars, dialogs, and task panes, wherein the logging code collects a plurality of data points that specify a numeric identifier for the element and an identifier on the object that contains the element, wherein the element refers to the event message, and wherein the logging code contains code that filters a plurality of event messages to determine the element referred to by the event message,” as argued by the Applicant (see Remarks dated 12/30/2008, pages 9 – 18; Specification as of 10/18/2001, pages 7-14; and Drawings dated 10/18/2001, Figures 2-4 of Applicant’s enabling portions of the specification and drawings).

10. Neither Terry, Gruyer, Raveis and Achiwa teach, alone or in combination, the cited claim language above, as stated and argued in the Applicant’s Remarks, more specifically, a set-up program module, wherein launching the set-up program module comprises installing the logging code in a memory of the computer and setting a registry key in a registry of the operating system as an indicator to the application program to load the logging code when monitoring of the plurality of user interactions has been indicated, and wherein launching the set-up program module signifies user consent to have application program actions logged in exchange for an incentive, the incentive comprising free software in exchange for participation in a survey to collect user demographic information.

11. As seen in the Applicant’s specification the logging code triggers a setting of a registry key to indicate to the application program to load the logging and using different incentives to do such, See pages 7-11.

12. Terry teaches a method of detecting states that are activated by internal computer unit environment, which include: (a) monitoring the active window task manager for all identifiable

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window handles; (b) intercepting all operating system messages which are transmitted between third-party applications (programs) and the O/S; (c) detecting any change in a critical O/S file or third-party start-up file; (d) detecting any change in a critical aspect of the registry; (e) sending a inner-process communications message to any identifiable window handle which resides within the active task manager; (f) sending a real time forensic report to a monitor station defining the state of the detection. (See Terry column 4, lines 40-52.) Terry discusses a parallel thread that activates an independent 32 bit API DLL (505), to establish a "hook" into the actual O/S kernel. (See Terry column 13, lines 42-52.) Terry also discusses that a parallel thread is initiated to poll the status of the network connection and to ensure all proper pathways are established for the client application 110 to communicate with administrative application 115. (See Terry column 15, lines 39-42.) Terry further discusses that a registry key is opened as part of an analysis to determine unauthorized changes within a particular segment of the registry (i.e., HKEY\_LOCAL\_MACHINE:Software/Microsoft). The analysis includes a method opening the physical registry key and opening and querying the segment for any possible unauthorized changes. (See Terry column 19, lines 19-50). Terry further discusses initiating a parallel thread which will initiate a series of sub-threads, which collect registry information throughout various defined segments of the computer registry. The parallel thread is activated during the initial installation or re-initialization if the computer is updated with new authorized software. (See Terry column 9, lines 60-67).

13. As can be seen Terry does not teach the step of wherein launching the set-up program module comprises installing the logging code in a memory of the computer and setting a registry key in a registry of the operating system as an indicator to the application program to load the

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logging code when monitoring of the plurality of user interactions has been indicated, and wherein launching the set-up program module signifies user consent to have application program actions logged in exchange for an incentive, the incentive comprising free software in exchange for participation in a survey to collect user demographic information. There is no mention of actually setting the registry key in a registry as an indicator to the application to load the logging code, let alone having an incentive to do such using free software.

14. Gruyer discusses a method and system for analyzing the detailed behavior of the users browsing the World Wide Web. The behavioral information may be provided to businesses interested in knowing how users behave when using certain web services. (See Gruyer paragraph [0009].) Gruyer also discusses that when a user 102 consents to being monitored, the user is enabled to download and install the agent software 106 on a user device 108, e.g., a workstation or a desktop computer. (See Gruyer paragraph [0009].) Gruyer does teach participating in a study by giving a type of incentive and the use of setting registry keys in a registry but Gruyer does not do set them as a reaction to loading the logging code and indicating to the application to load the logging code when monitoring of the plurality of user interactions has been indicated. Gruyer sets the registry when the agent receives IDs to use in the study, the agent that aids in performing the study with the client is already installed and loaded to run, ¶0082.

15. Raveis discusses a system and method for managing real estate transactions over a distributed computer network. (See Raveis paragraph [0009].) Raveis merely discusses that Microsoft's Active Data Objects ("ADO") version 2.0 is used to establish database connectivity between the business objects and the database, See Raveis paragraph [0197], and has very little to contribute to the setting of registries and downloading for logging code.

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16. The only teachings of Achiwa that are utilized in the rejection are teaches of setting the name of a file to a random id. There is no teachings in Achiwa of launching the set-up program module comprises installing the logging code in a memory of the computer and setting a registry key in a registry of the operating system as an indicator to the application program to load the logging code when monitoring of the plurality of user interactions has been indicated, and wherein launching the set-up program module signifies user consent to have application program actions logged in exchange for an incentive, the incentive comprising free software in exchange for participation in a survey to collect user demographic information. There is no mention of actually setting the registry key in a registry as an indicator to the application to load the logging code, let alone having an incentive to do such using free software.

17. The cited areas of the prior art clearly do not find the Applicant's invention obvious and would be difficult to motivate one of skill in the art to combine these used references to come up with the Applicant's claimed invention.

18. The dependent claims further limit the independent claims and are considered allowable on the same basis as the independent claim as well as for the further limitations set forth.

19. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

20. Claims 1 – 8, 10, 11, 20 and 21 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. ENGLAND whose telephone number is (571)272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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